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April 19, 1983

Charles Nutter, Executive Officer
New Hampshire Sweepstakes Commission
Fort Eddy Road
Concord, NH 03301

Dear Mr. Nutter:

By letter dated March 22, 1982, you have requested our opinion regarding the State Prison's proposal to hold beano games for inmates. We have interpreted your letter as a request that we provide our opinion on whether the Sweepstakes Commission may license these games under RSA 287. For the reasons set forth below, our response is that the Sweepstakes Commission may not license such games.

RSA 287:2 provides in relevant part: "...Except as provided in RSA 287:9 and RSA 287:10, the Commission may issue beano ... licenses only to charitable organizations." (Emphasis added.) The only two exceptions to this limitation on eligibility for beano licenses are contained in RSA 287:9 and 287:10, which pertain to certain agricultural fairs and senior citizen organizations and thus are not applicable to the present request. Furthermore, by definition, "charitable organizations" are limited to:

any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence for at least 2 years and is organized under the laws of this state and to which contributions are exempt from federal income tax. RSA 287:1,II (Supp. 1981).



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As the State Prison does not fall within the definition of "charitable organization" nor under the exceptions provided in RSA 287:9 and 287:10, it is not eligible for licensure by the Sweepstakes Commission under RSA Chapter 287.

Please let me know if you have additional questions.

Very truly yours,

Loretta S. Platt

Loretta S. Platt
Assistant Attorney General
Division of Legal Counsel

LSP/gla

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